



# **FENCE BROCHURE**

**Prepared by the Town of Norwood Building Department**

## FENCES

A fence is a highly visible part of your homes landscape. You, your family and your neighbors will be living with it every day so giving some careful thought to its construction and design might be a good thing to think about.

Whether you add a fence for appearance, for privacy or for protection good planning should be your first step. One of the special advantages of owning a house is having a little corner of the earth all to yourself. Sometimes a property doesn't have a lovely view or isn't protected by trees and shrubs. By creating a thoughtful, interesting and private enclosure you can turn your backyard into an outdoor garden room. Some fence designs allow for overhead arbors, others use more conventional designs, some complement brick patio areas while others serve as backdrops for planters filled with colorful, fragrant flowers. Whatever consideration appeals to you most certainly is up to you. It's better to enclose "your" property slowly than to rush ahead and in the process sacrifice your dream and vision of your home.

Our office receives many calls each year regarding erecting fences. We've chosen those questions which apparently are foremost in your mind because invariably they are repeated with each call.

[1] **Is a building permit necessary?**  
NO

[2] **Can I erect a fence "ON" my property line?**  
Yes, you can. However, we strongly suggest that you have definite knowledge of the boundary lines of your property. That way you'll avoid embarrassing confrontations with unhappy neighbors. If you're unsure of the exact location of your property line – hire a land surveyor or engineer to stake out your property lines.

In the past homeowners have considered placing their fence 6" to 1' from the property line to allow maintenance of their fence in the event their relationship with their neighbor deteriorates. They would still be on their own property should repair or maintenance become necessary.

[3] **Must the "good" side of the fence face my neighbor?**  
Traditionally, one of the reasons people erected fences was to discourage intruders. Thus, they faced the good side out – as it made climbing the fence very difficult. When the "good" side faces you, the timbers used to construct the fence lend themselves as access points. This point is especially stressed if you are erecting the fence to enclose a swimming pool – common sense and the law dictates that your primary concern, when fencing a swimming pool, is to prevent accessibility by uninvited guests. In that instance, the "good" side must always face your neighbor.

[4] **How high can my fence be?**  
Up to 6' is the norm. MGL, Ch. 49, Section 21 states that a fence or other structure in the nature of a fence which unnecessarily exceeds 6' in height – and is maliciously erected or maintained for the purpose of annoying the owners or occupants of adjoining property shall be deemed a private nuisance. Any such owner or occupant injured in the comfort or enjoyment of his estate thereby may have an action of tort for damages under MGL Ch 243. This is a civil matter between you and your neighbor.

Norwoods Zoning Bylaw requires that the minimum height of a fence enclosing a swimming pool shall be five feet (5'). The specifications for this type of fence can be read in our swimming pool brochure.

[5] **Who can arbitrate a dispute regarding a fence?**

Annually the Selectmen appoint fence viewers who serve in this capacity. The current fence viewer for the Town of Norwood is:

**Edmund "Ted" Mulvehill, Jr.**  
**[781] 762-1240 extension 208**

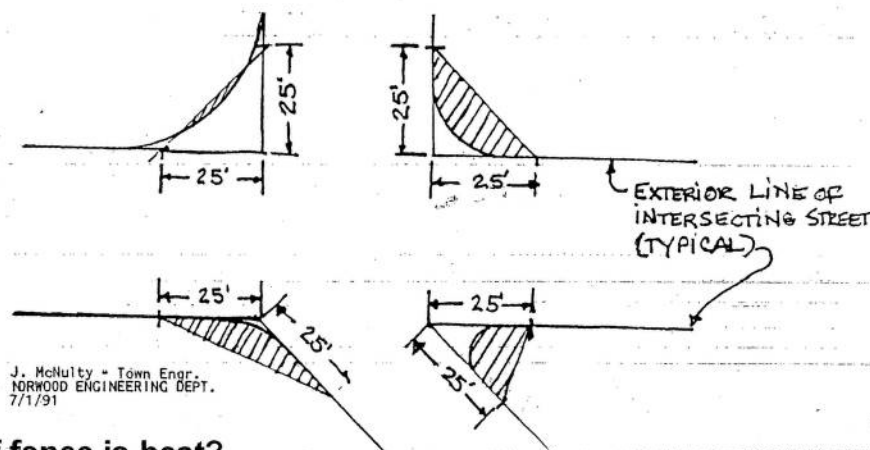
It should be noted that fees shall be paid to the fence viewer, if he makes a decision on a dispute.

It has been our experience that homeowners shy away from talking to or confronting their neighbors when problems arise. This is unfortunate because most matters, when discussed in a logical, cool-headed manner, can be resolved without further assistance. Often compromises can be reached where both parties are satisfied.

[6] **My neighbors fence is on my property...what can I do?**

- Q. My neighbor of over 10 years sold his house a few months ago. Last week, I noticed the new neighbor putting up a fence between our yards and I'm sure it's crossing over two feet onto my land. I told him and asked him to move it back, but he insists it's his property. How can I get him to respect my property lines?
- A. It's a frustrating and common problem when a new neighbor lays claim to a property you know to be yours. It has been guestimated that one-third of home sales prompt boundary battles – and over half the time – the issue arises when the new owner wants to put up a fence. If your neighbors crossed the line, take into consideration the following methods of action:
- B. **Step 1. Try a neighborly approach.** Talk to him/her first. Try to make your point in a friendly manner. If that does not produce the desired result consider sending him a letter staking your claim and saying you intend to supply proof of the boundary. Send the letter by certified mail for proof of receipt. Be prepared to prove your claim.
- C. **Step 2. Prove the property is yours.** See if there are any land markers projecting up from the ground outlining the property. If not, you may have more difficulty identifying your property line. If you have a plot plan, that may prove helpful. The name of the land surveyor who did that survey will be on the plot plan. By contacting him you may be able to ascertain where stakes could be placed by you using his plot plan; otherwise, he'll have to do it for you. If there is no documentation at all, you will have to hire a land surveyor to stake your property. He will provide you with an actual plot plan. Obviously, there is a cost associated with his services. Surveyors' plot plans are usually definitive enough to settle most disputes.
- D. **Step 3. Take official action as a last resort.** Even if the law appears to be on your side and the matter still can't be resolved – ask the neighbor if they are willing to try mediation – where the decision is made by a neutral party. [ie., Town of Norwood Fence Viewer]. It is our understanding that another resource you may choose is to find out the procedure to go through small claims court mediation process. If the neighbor says no to both suggestions, as a last resort, you can contact your lawyer who can write a letter on your behalf noting that you are prepared to go to court and including proof of ownership of the land in question. If that fails, your lawyer can represent you in civil court to assert your rights.

- [7] **I own a corner lot. Can my fence extend around my front yard as well as the rear?**  
 Zoning Bylaw Section 4140 [Corner Visibility] states that, "At all street intersections in residential or limited business districts, a triangular sight protection area is hereby established, bounded by the exterior lines or intersecting streets and a line joining points on such lines which are twenty-five feet from their point of intersection (or in the case of a rounded corner, from the point of intersection of their tangents). Within that area, the following restrictions apply.
- No buildings or portions thereof shall be located.
  - No non-building structure and no open display, storage, or other open use shall be located unless the inspector of buildings determines that there will be no interference with traffic visibility across the corner.
  - Trees, shrubs, and other plantings shall similarly be located and trimmed to avoid interference with traffic visibility.



- [8] **What type of fence is best?**  
 It depends on your needs. If a fence is built for appearance, you should spend time thinking about your design options. What kinds of shrubs or flowers you might want to incorporate into your existing landscaping. What design will complement your style of house? And which one might enhance your neighborhood. What appeals to you – a living fence, wrought iron, no-maintenance, brick, stonewall or wood to name a few options.

If your fence is built for privacy, it should be built high enough to prevent your neighbors or passersby from viewing your yard.

If your fence is designed for protection, it should be strong enough to withstand strong winds, blowing snow, animals, etc.

- [9] **If my fence is on the property line, can my neighbor paint or stain the side of the fence that faces them or do they have to get permission from me?**  
 The fence is yours. It's on your property. They must ask your permission.
- [10] **If I already have a fence erected and my neighbor wants to erect one along side, can they do it?**  
 Yes, they can. Again, read questions #2 regarding the placement of a fence.
- [11] **Can I use my neighbors fence to satisfy the zoning requirements for enclosing my swimming pool?**  
 No!

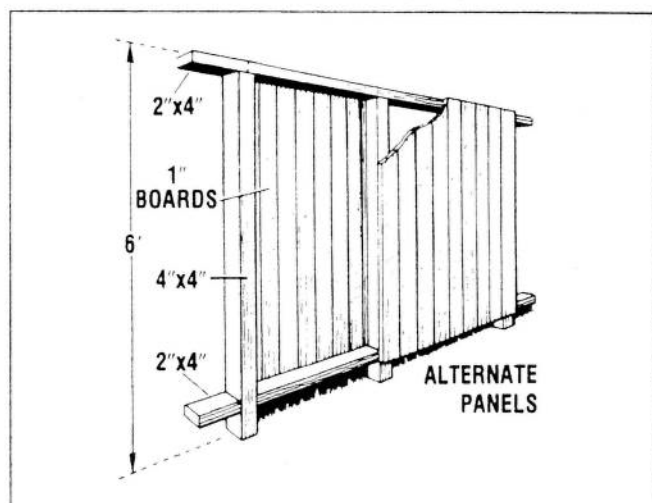
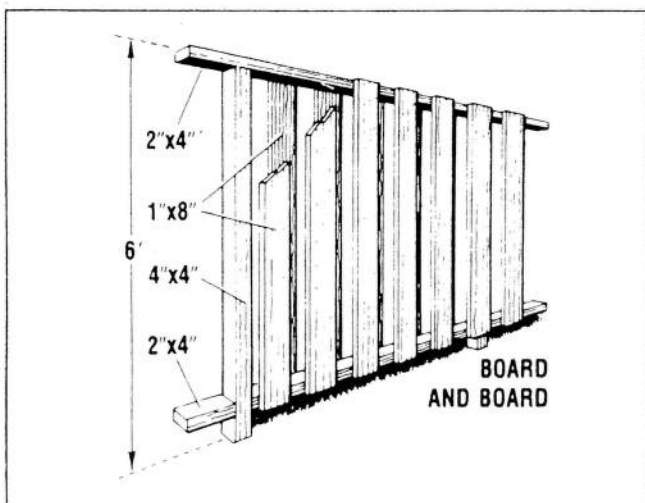
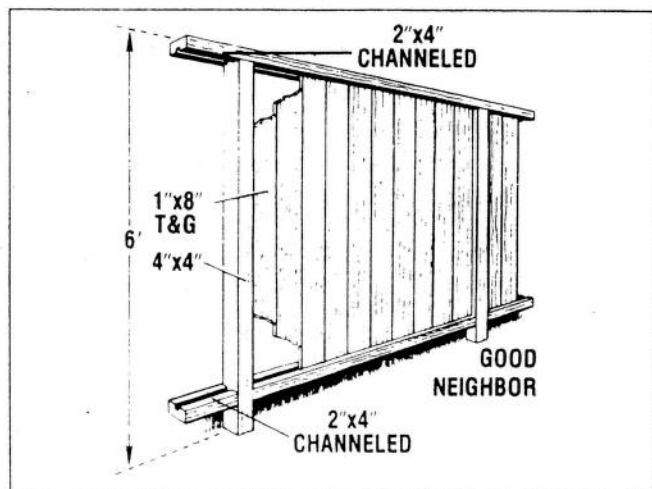
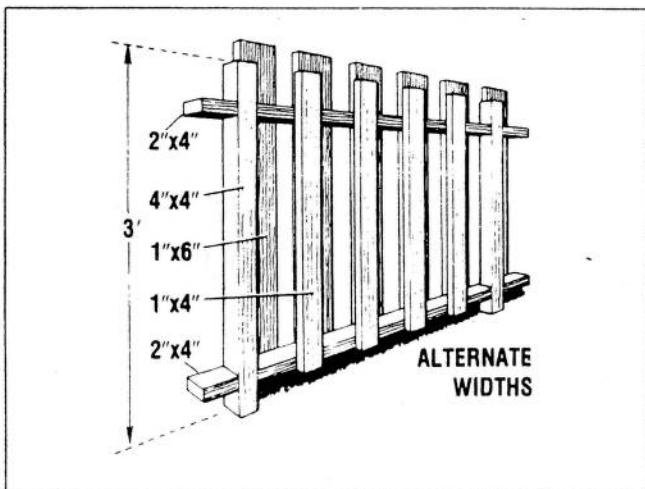
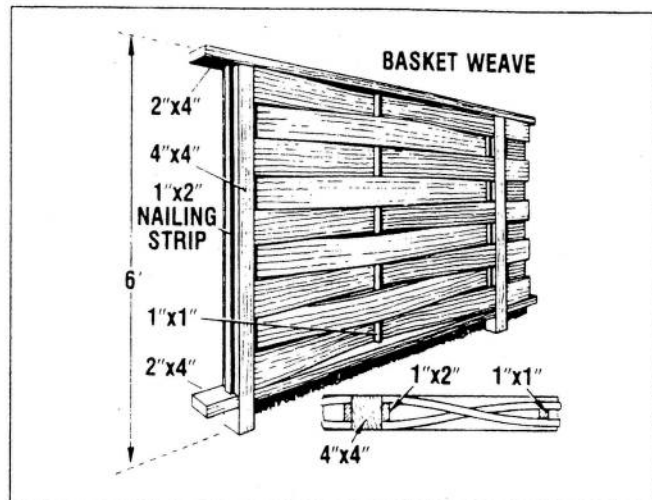
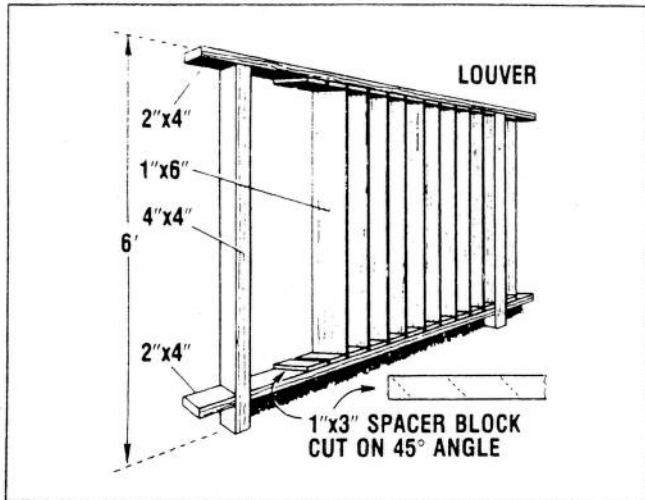
# Designs

**A** basic post-and-rail design will serve if you want a fence primarily as a boundary marker.

Other fence designs can work as decorative additions to your property and complement the style of your home. As you choose your design, consider your plantings.

The problems of keeping children in a secure outdoor play environment, happily confining your dog, or secluding a pool may influence your decision on fence style and height.

The fence designs below are attractive, tried-and-true patterns that assure satisfaction. There are many ways to personalize these basic styles (as shown on page 11).





# FENCE BUILDING BASICS

## Planning the Job

**A** fence is a highly visible part of your home's landscape. You — your family and your neighbors — will be living with it every day, so give some careful thought to its construction and design. Whether you add a fence for appearance, for privacy, or for protection, good planning should be your first step.

If your fence is just for appearance, you should spend most of your planning time thinking about all of your design options. What kinds of shrubs or flowers do you want to incorporate into the landscape? What design will complement your house style? And which one might even enhance your neighborhood?

A fence built for privacy should be high enough to prevent neighbors and passersby from peeking into your yard or windows. A fence designed for protection should be strong enough to withstand strong winds and blowing snow and to prevent animals from entering your yard. It may not stop human intruders, but at least it will discourage them.

The first thing you need to do before building your fence is to check the boundary lines of your property. That way you'll avoid embarrassing confrontations with unhappy neighbors. Professional fence installers often recommend building a fence 6 inches within your property lines to avoid possible problems because of a faulty survey. Check into local codes, too, to see if there are any unusual ordinances about fences that might apply to your situation.

Lay out the boundaries of your fence with string, staking out each post position at regular intervals — every 8 feet, for example. Be sure to include posts at every corner and at either side of a gate, too.

## Setting the Posts

**P**osts are usually pressure-treated lumber, redwood, or cedar 4x4s. The proper size lumber for the rails, of course, depends on the design of your fence. But redwood, cedar, or pressure-treated material should be used for best results. Determine how much lumber you need, and put in your order at your local lumberyard.

If your fence is extra-heavy, you may wish to place posts closer together than 8 feet. Distance apart also depends on the type of fence you choose. However, lumber is commonly sold in 12-, 14- and 16-foot lengths, so setting the posts at 6-, 7- or 8-foot intervals will minimize waste. Lay out your fence with string and drive stakes at points where posts should go (if you haven't done so already), and you'll be ready to start digging postholes. A posthole auger will work if your soil is loose and fairly free of rocks. Otherwise, use a clamshell posthole digger (see sketch). Dig the corner

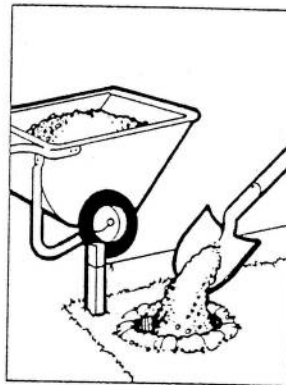


holes first and set your posts. Dig the holes deep enough to avoid heaving because of frost, whether or not you're securing them in concrete. A minimum of 30 inches deep for a 6-foot-high fence is recommended. Frost lines vary all across the country, so be sure to ask your lumber dealer how deep to set posts in your area.

To set your posts in concrete (which is the preferred method if time and cost per-

mits), dig the hole at least 4 inches wider in diameter than the post. If your soil is fairly firm, you can use the sides of the hole as a concrete form. But if the soil is loose or sandy, make a four-sided open box to serve as a form.

Use a 3:2:1 mix for the concrete (three parts gravel or small rocks, two parts sand, one part portland cement). Shovel a spadeful or two of gravel into the hole to keep the concrete from sealing off the bottom of the post and preventing drainage (see sketch).



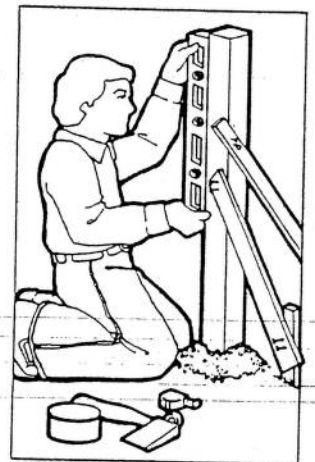
Recruit a helper to hold the post in place atop the gravel while you pour the mixed concrete into the hole. Make sure you don't force the bottoms beyond the gravel and into the earth. Trowel concrete up the sides of the post 4 inches above grade, and slope it to drain off rain and snow.

If you're not setting the posts in concrete be sure to bury them deeply enough to support the fence rails. After each hole is dug, shovel in a spadeful of gravel to form a drainage bed for the post. Set the post in place, and replace soil, tamping down firmly every few inches. You can add concrete around the base of the posts to make sure they're secure if you wish (see sketch). Again, shape the concrete around the sides of the post to 4 inches above grade, sloping it to shed rain and snow.

When all the corner posts are in place, connect them



with a taut cord. It's easy to line up the other posts when you can see the fenceline. Brace and plumb each post as you set it, using outrigger stakes and a level (see sketch).



The first corner post is the keystone, and the next post should be in line with it. Use the cord stretched between the two corner posts as a guide, and a level or plumb bob to check the plumb of each new post as it's set. Make this check at two adjacent sides of the post rather than opposite sides. Nail outrigger stakes to the posts to hold them in place. Let posts that are set in concrete (or surrounded by a concrete collar) cure for several days before you begin attaching the rails. You may even wish to leave the outrigger stakes in place until the fence rails are installed to make sure the posts don't shift in the process.

# Attaching the Rails

**W**hen the posts are set, you're ready to start adding the rails. The simplest fence design has two horizontal rails connecting the posts at the top and bottom. In other designs, the rails are "filled in" with panels, lattice, pickets, or diagonal members.

The "fillers" should be installed after the top and bottom rails are in place. Nail on the top rail first, attaching it directly to the top of the posts. Adjoining rails should butt each other at the posts. If you don't plan to use any screening in your fence, the rails can be attached directly to the sides of the posts. Choose a joinery technique suited to the weight and style of your fence. Use nonstaining nails, such as hot-dipped galvanized ones.

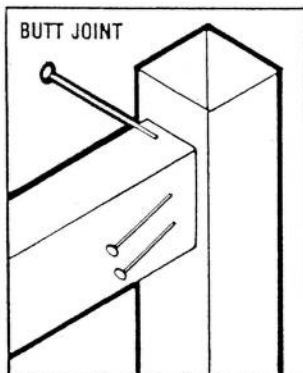
Measure down from the top rail on all posts to determine placement of the bottom rail (see sketch). Be sure



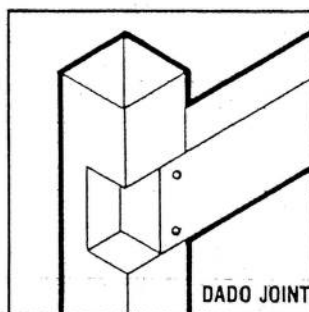
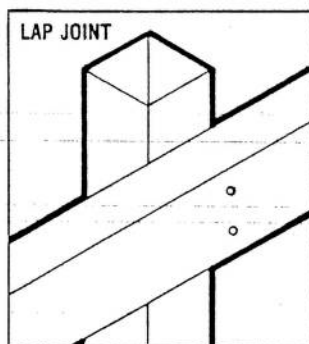
the bottom rail is at least 6 inches above ground. You may want to place them even higher to make mowing easier. If your fence is tall, add a third rail midway between the top and bottom rails for extra support. Finally, attach pickets, louvers, panels, or other screening to the rails. The easiest way to

join rails to fence posts is by using metal hangers. But there are several other common methods.

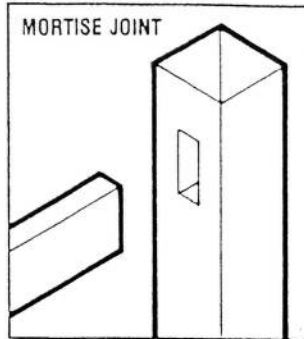
**Butt joint.** This is the simplest joint of all. The rails are simply toenailed to the sides of the posts. Or, the rails can meet at the top of the post.



**Lap joint.** Here, the rails are nailed to the sides of the posts. Rails should always meet at a post, not at some point between.

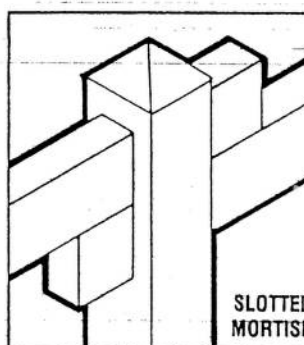


**Dado joint.** It's best to cut dados in the posts *before* you set them because it's easier to cut the groove while the post is lying flat. Cut away enough of the post so that the rail will be flush, or nearly flush, when joined to the post.

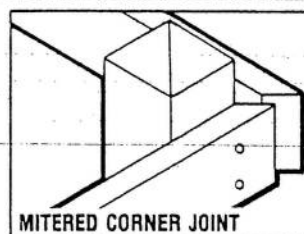


**Mortise joint.** This joint, too, is easier to cut before the posts are set. It is a more elegant joinery method, and it requires that you cut a hole all the way through the post to accept the rail. The rails should meet at every post (or every other post if longer rails are used) and butt inside the mortise in the post.

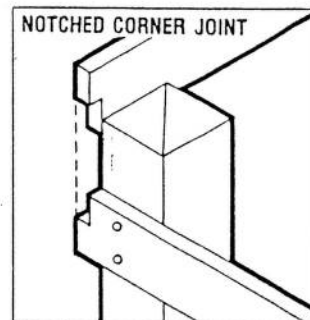
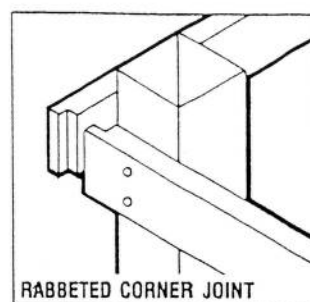
**Slotted mortise.** This is a variation of the mortise joint. In this case, cut the mortise tall enough to accept two rails at their junction at the post. This type of joint gives more support to the rails than the mortise joint but requires irregular post spacing (or extra lumber cuts to accommodate the overlap).



**Mitered corner joint.** This is the easiest joint to use at a corner junction. Simply miter the ends and nail to the top of the corner post.



**Rabbeted corner joint.** Cut rabbets in rails and attach to the top of the corner post.



**Notched corner joint.** Notch the ends of the rails where they meet at a corner.

As with any project, the proper choice of materials will spell success or failure. The most durable and least costly wood fences are made of pressure-treated lumber, which is wood saturated with a preservative. Redwood and cedar are more resistant to decay than are other untreated woods but are more expensive. You can save money by buying "garden grade" redwood. It's rough, but solid.

Another way to save is to buy redwood or cedar posts, and use fir or pine for the rails; then finish the rails with a preservative stain in redwood or another color. If you choose the last option, be sure to swab with preservative all areas of the rails that will be coming in contact with the post. This will seal the crevices between the posts and rails and prevent water from seeping in and causing rot. Reapply preservative when it shows signs of wear.

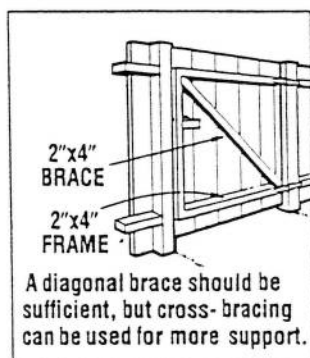
## Gates

**Y**our gate should be at least 3 feet wide. To allow for hinges and swing, figure at least 1 inch less than the opening for the actual size of the gate. Be sure the posts on both sides of the gate are set in concrete.

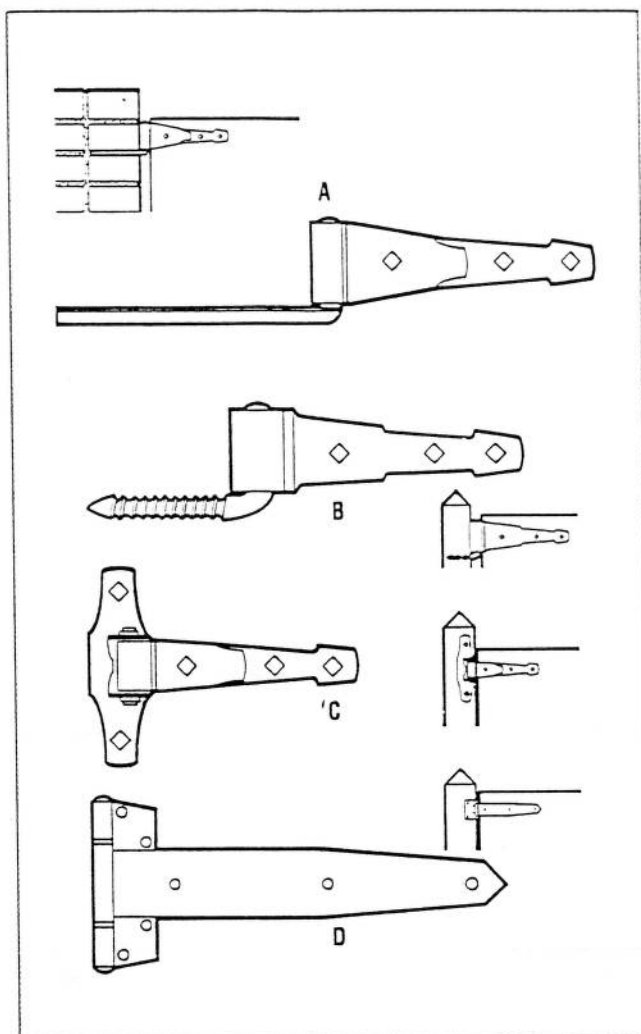
Build the frame by laying the boards on a flat surface. Use butt or lap joints. Nail the pieces together, using a square to make sure the corners of the frame are at right angles. Make a diagonal brace to keep the gate from sagging by laying the frame on the edge of a 2x4 and marking the saw cuts with a pencil. For a tight fit, saw so that the pencil marks show after cutting.

The brace should run from the hinge side at the bottom to the latch side at the top. Secure the brace in place by nailing through both the horizontal and vertical rails. Attach the boards or pickets to the hinge side of the frame first.

Attaching the hinged side of the gate to a side of the house provides excellent support. If that's not possible, you'll have to attach it to a separate post.



**Hinge for brick.** If you have a brick house and wish to attach your gate to it, use Hinge A. It's installed in the mortar between the bricks. Use a cold chisel and a hammer to make a recess for the inside part of the hinge, then force a light concrete or mortar mix into the recess and around the hinge support. Let the concrete dry

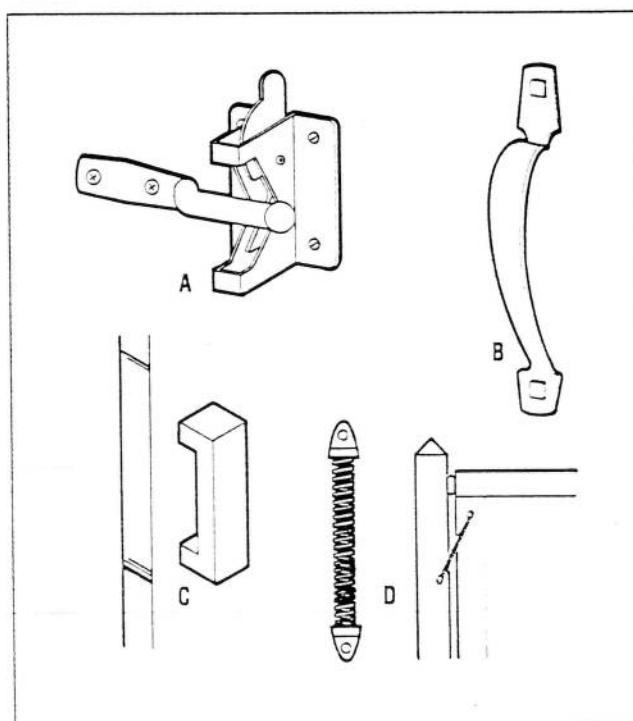


for a few days before installing the gate.

**Hinges for wood.** You can attach any of these hinges to a post. Hinge B has an oversize screw that is threaded into a previously drilled hole in the post. Hinge C is a decorative hinge that is secured to the fence post with two lag bolts. Hinge D is the familiar T-hinge, used for garden gates, garage and barn doors, and any other application requiring a sturdy, functional hinge. A T-hinge actually reinforces the gate, as long as part of the T covers the corner joint of the gate — always a weak area.

When you are ready to hang the gate, the first step is to attach the hinges to the gate post (or to the house). Then hold the gate in place between the posts and prop it up with 2x4s, bricks, or anything else that will raise it to the desired height. Make certain that the placement of the hinges will line up with the cross rails of the gate.

Place the hinge leaves over the gate and mark the holes with a pencil. Drill pilot holes if you're going to use screws, and make clearance holes if the job calls for bolts. Use washers under the nuts. If the gate doesn't swing freely, trim the edge that swings open.



**Latches, handles, and springs.** In addition to hinges, a gate will require a latch and some sort of a handle. Latch A is self-closing. As the gate swings shut, the latch on the gate engages the hardware on the post, effectively keeping the gate closed and preventing it from rattling during a windstorm. Handle B is a store-bought version of Handle C. You can make your own handle out of a scrap of wood. Regardless of whether or not the gate has a latch, a spring to keep it closed is always a good investment. Simply mount it as shown in D, and adjust it for fast or slow closure.



NEIGHBOR IS RELUCTANT TO SHARE COST OF FENCE REPAIRS

**Q. The fence between my house and my neighbor's is in dire need of replacement. My neighbor asked who should pay and I suggested that we share the cost. But he said that might create problems down the road should one of us decide to sell our home, although he wasn't specific about what those problems might be. Are there any specific rules governing the maintenance of fences between neighboring properties?**

A. Whoever said good fences make good neighbors likely never had a fence or a neighbor, as your letter, and the numerous others like it I have received over the years, clearly attests.

The basic rules are as follows:

@ If the fence sits entirely on your property, it is your responsibility.

@ If it sits entirely on your neighbor's property, it is your neighbor's responsibility [unless you use his fence, in whole or in part, to enclose your property or - vice-versa - in which case, you may have some obligation to help with the maintenance].

@ If the fence sits on the property line, then it is probably [although not invariably] a responsibility you and your neighbor should share.

There are a number of potential complications and exceptions to those rules-of-thumb, however. For example, one key question may be, who built the fence originally.

If you or a prior owner of your home built it and your neighbor doesn't use it, then, arguably, the fence is your responsibility, even it is sitting squarely on the property line.

That means you have to absorb the cost of repairs or replacement, but it also means you can probably tear the fence down if you chose to do so [after a prior notice to your neighbor and, perhaps, a determination by a court of a local "fence viewer" that you are entitled to do so].

Another question is whether prior owners of your respective properties entered into and recorded [in the Registry of Deeds] an agreement governing ownership and maintenance of the fence. If so, you and your neighbor are bound by the terms of the existing agreement.

Your first step in resolving this matter should be to determine exactly where the fence is located. If you and your neighbor don't know (or can't agree), then you will have to have a formal survey done to pinpoint the property line.

If it turns out that the fence is on the line and you and your neighbor share the use of the fence, then it seems to me, your proposal to share the replacement expense is perfectly reasonable and in keeping with what a court would likely require.

Let's assume the maintenance responsibility should be shared, but you and your neighbor can't agree on whether the fence should be repaired or replaced or on how the cost should be shared.

You or your neighbor can ask your local "fence viewer" to make an impartial and binding determination.

Most communities have a designated fence official - usually a volunteer who serves in the capacity part-time - whose job is to mediate disputes.

*You can find your local fence viewer by calling your town hall; if the switchboard operator can't help you, try the Selectmen's office or the local building department.*

*The fence viewer has the authority to determine: if repairs are needed; however the repair costs should be apportioned; and the time frame within which the repairs must be completed.*

*If the fence viewer agrees that repair or replacement is needed and that the cost should be shared, but your neighbor refuses to cooperate, the statute (Chapter 49 of the Massachusetts General Laws) allows you to have the work done and then demand that your neighbor reimburse you for double the cost of the repair and the fence viewer's fee (set by statute at \$5 for each day the viewer works on your case).*

*If your neighbor still refuses to cooperate, you can file suit to recover the amount due plus interest, set at one percent per month.*

*If your disput ends up in litigation, the fence viewer's opinion in your favor would certainly strengthen your position in court.*

*As for potential problems with resale should you and your neighbor share the fence repair costs, the only serious concern would be uncertainty about the fence maintenance obligations.*

*And you can deal with that issue easily by signing an agreement specifying how the fence ownership rights and maintenance responsibilities are apportioned. Any such agreement should be in writing and should be recorded in the Registry of Deeds.*

*Sharing the fence repair cost, in itself, shouldn't create resale problems for either of you.*

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*Nena Groskind is executive editor of Banker & Tradesman, a Massachusetts real estate and banking trade journal. Send inquiries to Realty Q & A, Boston Sunday Globe, Boston, MA 02107.*  
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YOUR DESIGN

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